REMARKS

Claims 1, 5–16 and 20–23 are pending in this application. In the May 17, 2005 Office Action, the Examiner objects to the Abstract. The Examiner also rejects all the claims. In particular, the Examiner rejects Claims 1–3, 5–7, 10–11 and 13–22 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,951,695 to Kolovson ("Kolovson"). The Examiner rejects Claims 4, 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Kolovson in view of U.S. Patent No. 6,067,545 to Wolfe ("Wolfe"). The Examiner also rejects Claims 12 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Kolovson in view of U.S. Patent No. 5,796,934 to Bhanot ("Bhanot").

By this present Response, Applicants have cancelled Claims 2–4 and 17–19 without prejudice or disclaimer and have amended Claims 1, 11, 20 and 21. Claims 5–10, 12–16, 22 and 23 remain as originally filed. In view of the foregoing amendments and the remarks set forth below, Applicants submit that Claims 1, 5–16 and 20–23 are patentably distinguished over the cited references.

RESPONSE TO THE OBJECTION TO THE ABSTRACT

The Examiner objects language used in the first line of the Abstract. In response to the Examiner's objection, Applicants have amended the first line of the Abstract and reduced the number of words to be within the 150 word requirement. Applicants respectfully request approval of the amended Abstract submitted herein.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102(b)

The Examiner rejects Claims 1–3, 5–7, 10–11 and 13–22 under 35 U.S.C. § 102(b) as being anticipated by Kolovson. For the reasons set forth below, Applicants respectfully disagree.

Amended Independent Claim 1

Focusing on amended independent Claim 1, in one embodiment of Applicants' invention a database cluster is disclosed that avoids client failure by connecting to multiple nodes of the cluster. The database cluster includes a first computing system having (1) a primary connection manager that forms a connection with and receives

transactions from a client and (2) a primary database management system (DBMS) that executes the transactions on data stored in data files. The database cluster further includes a second computing system having a secondary connection manager and a secondary DBMS.

The secondary connection manager is further capable of determining when an unbalanced workload exists with respect to the first computing system and the second computing system. If so, the secondary connection manager receives data from the client connection, replays incomplete portions of open transactions on the data through the secondary DBMS, and begins to receive additional transactions from the at least one client to be executed against one or more data files.

Kolovson does not appear to disclose the system recited in amended Claim 1. Rather, Kolovson discloses a database failover system that includes a primary node and a standby node that both have access to database storage. When the primary node fails, the standby node performs undo recovery on in-progress transactions stored in a standby buffer pool. The standby node subsequently becomes the new primary node by resuming operations with current pages in the buffer pool (see, e.g., col. 4, lines 39–65). Kolovson does not disclose the standby node monitoring an unbalanced workload between the primary node and the secondary node.

Because Kolovson does not disclose a second computer system having a secondary connection manager that determines if an unbalanced workload exists between the first and the second computing systems, Applicants assert that amended Claim 1 is not anticipated by Kolovson. Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) be withdrawn.

Amended Independent Claims 11, 20 and 21

Amended independent Claims 11, 20 and 21 are believed to be patentably distinguished over the cited references for reasons similar to those set forth with respect to the patentability of amended independent Claim 1 and for the different aspects recited therein.

Dependent Claims 5–7, 10, 13–16, 18, 19 and 22

Claims 5–7 and 10 depend from amended independent Claim 1 and are believed to be patentable for the reasons set forth above with respect to amended Claim 1 and for the additional features recited therein.

Claims 13–16 depend from amended independent Claim 11 and are believed to be patentable for the reasons set forth above with respect to amended Claim 11 and for the additional features recited therein.

Claim 22 depends from amended independent Claim 21 and is believed to be patentable for the reasons set forth above with respect to amended Claim 21 and for the additional features recited therein.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)

The Examiner rejects Claims 4, 8 and 9 as being unpatentable over Kolovson in view of Wolfe. The Examiner also rejects Claims 12 and 23 as being unpatentable over Kolovson in view of Bhanot. For the reasons set forth below, Applicants respectfully disagree.

Features of Cancelled Claim 4 Added to Amended Claim 1

By this Response, Applicants have cancelled dependent Claim 4 and have incorporated the features recited therein into amended independent Claim 1. In particular, as discussed above, Applicants have amended Claim 1 to recite that the secondary connection manager of the second computer system is capable of determining when an unbalanced workload exists with respect to the first computing system. If so, the secondary connection manager receives data from the client connection, replays incomplete portions of open transactions on the data through the secondary DBMS, and begins to receive additional transactions from the at least one client to be executed against the one or more data files.

As discussed above, Kolovson does not teach or suggest the system recited in amended independent Claim 1. Furthermore, Applicants submit that neither Wolfe nor a combination of Kolovson and Wolfe teaches or suggests the system recited in

amended Claim 1. In the May 17, 2005 Office Action, the Examiner cites Wolfe for disclosing the rebalancing of workloads in computer network systems.

Wolfe, however, does not teach or suggest monitoring the workload of a first computer system with a second computer system, wherein the second computer system takes over transactions from a client computer when the workload of the first computer system becomes unbalanced. Rather, in the portions of Wolfe cited by the Examiner, Wolfe discloses that either a client computer or a process running on a server connected to a network may determine if that particular server is overloaded (see, e.g., col. 5, lines 37–42).

In view of the foregoing, Applicants submit that amended Claim 1, which incorporates the features of cancelled dependent Claim 4, is patentably distinguished over Kolovson and Wolfe.

Dependent Claims 8 and 9

Claims 8 and 9 depend from amended independent Claim 1 and are believed to be patentable for the reasons set forth above with respect to amended Claim 1 and for the additional features recited therein. That is, neither Kolovson nor Wolfe, nor a combination thereof, teaches or suggests a second computer system having a secondary connection manager that determines if an unbalanced workload exists between the first and the second computing systems.

Dependent Claims 12 and 23

Claims 12 and 23 depend from amended independent Claims 1 and 21, respectively, and are believed to be patentable for the reasons set forth above with respect to amended Claims 1 and 21 and for the additional features recited therein. That is, neither Kolovson nor Bhanot, nor a combination thereof, teaches or suggests a second computer system having a secondary connection manager that determines if an unbalanced workload exists between the first and the second computing systems.

REQUEST FOR TELEPHONE INTERVIEW

Pursuant to M.P.E.P. § 713.01, in order to expedite prosecution of this application, Applicants' undersigned attorney of record hereby formally requests a

telephone interview with the Examiner as soon as the Examiner has considered the effect of the arguments presented above. Applicants' attorney can be reached at (949) 721-2998 or at the general office number listed below.

CONCLUSION

In view of the foregoing, the present application is believed to be in condition for allowance. If further issues remain to be resolved the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _9/16/05_   By: _John R. King_

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